

It was agreed to consider the bill section by section.

SENATOR WOODS

Moved to amend section 1, line 5, by striking out "one and one-half miles," and insert "three miles," in lieu thereof.

SENATOR WOODS

Spoke in favor of the amendment, and Senators Harrison, Lane and Allen opposed it.

The amendment was lost.

SENATOR GLASSCOCK

Moved to amend as follows:

Provided that the openings and the crossways shall not apply to incorporated cities and towns. But such changes shall be made in such cities and towns as the city council may direct.

SENATOR GLASSCOCK

Spoke for, and Senators Harrison and Lane spoke against it, and Senator Glasscock withdrew the amendment.

SENATOR TERRELL

Offered the following amendment to section 1.

"Provided, that if such fence shall divide any enclosure, that at least one opening shall be made in said fence within such enclosure."

SENATOR TERRELL

Spoke in favor of the amendment, and it was adopted.

SENATOR M'DONALD

Moved to amend section 2 by adding thereto the following, "and of wagons and other vehicles."

Adopted.

SENATOR ALLEN

Moved to strike out of section 2 the words "are to" in line 1 and substitute "shall."

SENATOR ALLEN

Spoke in favor of the amendment,

And

It was adopted.

SENATOR LANE

Moved to amend section 5 as follows:

"Add 'except inside of enclosures,' as provided in section 1."

Adopted.

SENATOR HARRISON

Moved to amend section 1 by adding: "The provisions of this act shall apply also to cases where in the construction of such road bed the grade is one foot or over above or below the surface of the ground over which it passes."

SENATOR HARRISON

Favored,  
And

SENATORS POPE AND TERRELL

Opposed the amendment.

SENATOR CALHOUN

Moved to adjourn till 3:30 o'clock this afternoon.

SENATOR POPE

Moved, in honor of the anniversary of Texas independence, to adjourn till 10 o'clock to-morrow morning.

The last motion was adopted, and The Senate adjourned till 10 o'clock to-morrow morning.

#### FORTY-FIFTH DAY.

SENATE CHAMBER. }  
AUSTIN, March 3, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the chaplain of the House, Dr. Mitchell.

On motion of Senator Stinson, The reading of the Journal of yesterday was dispensed with.

#### PETITIONS AND MEMORIALS.

BY SENATOR DOUGLASS OF GRAYSON:

Resolution of the Grayson county Medical Society, protesting against the changing of the appointing power from the board of managers of the lunatic asylum to the Governor.

Referred to Committee on Constitutional Amendments.

And,

Protest from the Grayson county Medical Society against the organization of the medical department of the University of Texas to be located at Galveston.

Referred to Committee on Education.

## BILLS AND RESOLUTIONS.

BY SENATOR HARRISON

Resolved, That House concurrent resolution No. —, requesting the Governor of the State of Texas to remove Frank Willis, judge of the Thirty-first judicial district, from office, together with the facts and charges accompanying the same, be referred to a special committee of three Senators, to be appointed by the President of the Senate, for consideration and report thereon. Such committee shall have power to investigate the facts and charges upon which such resolution is based, and shall determine for themselves the scope, extent and character of such investigation, and shall have power to send for persons and papers, to hear evidence, take testimony, and the chairman or acting chairman shall have power to swear witnesses, and said committee shall report at the earliest day practicable what action is necessary to be taken on such resolution by the Senate. Such committee may call to its aid any one of the Senate committee clerks. The testimony taken in such investigation shall be preserved.

On motion of Senator Harrison,

The resolution was laid on the table subject to call.

BY SENATOR FRANK:

By request.

"An act to regulate the payment of the wages of laborers and employees, and to forbid the payment of laborers and employees of corporations and others, in store orders or orders for merchandise, and to provide penalties for the same."

Referred to Judiciary Committee No. 1.

BY SENATOR WOODWARD:

A bill to be entitled:

"An act to amend chapter 2, title 96, of the Revised Statutes of the State of Texas, by adding thereto Article 4676a, providing for the assessment of live

stock in pastures in the several counties in which such parties are situated."

Referred to Judiciary Committee No. 2.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, March 3, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House bill No. 27.

"An act to prohibit the watering of stock and bords by railroad corporations, and to provide penalties for a violation of the same."

Substitute House bill No. 138.

"An act to amend chapter 14, title 29, of the Revised Civil Statutes of Texas, by adding thereto Article 1350a, providing when judgments shall become dormant and barred by limitation and when executions may issue thereon."

House bill 142.

"An act to amend title 10, chapter 1, of the Code of Criminal Procedure of the State of Texas, by adding thereto Articles 870a and 870b.

House bill 158.

"An act to amend Article 1280, chapter 11, title 29, of the Revised Statutes."

Substitute House bill No. 116.

"An act to repeal articles 992, 993, 994, 995, 996 and 1001; and to amend Articles 988, 1002, 1006, 1008 and 1012 of chapter 1, title 13, of the Code of Criminal Procedure of the State of Texas, and Article 1000 of chapter 1, title 13, as amended by chapter 12 of the General Laws of the Eighteenth Legislature of the State of Texas."

House bill No. 169.

"An act to amend Article 436, chapter 3, title 7, of the Code of Criminal Procedure."

House bill No. 377.

"An act to authorize cities and towns to levy and collect taxes for the construction or purchase of public buildings, water works, sewers, improvements of streets and other permanent improvements, and to issue bonds therefor, and to validate certain bonds heretofore issued, and to repeal all laws in conflict therewith."

House bill No. 119.

"An act creating boards of equalization for cities and towns, and defining their duties."

House bill No. 166.

"An act to amend Article 257 of the Penal Code of the State of Texas."

Substitute House bill No. 143.

"An act to define and punish usury."  
Senate bill No. 73.

"An act to amend Article 678, chapter 3, title 17, of the Penal Code of the State of Texas."

WILL LAMBERT,  
Chief Clerk House of Representatives.

On motion of Senator Woods,  
Senate bill No. 249.

"An act fixing the venue of suits for damages, growing out the wrongful levy of writs of attachment and sequestration," was taken up with favorable committee report, read second time and ordered engrossed.

On motion of Senator Lane,  
The Senate resumed consideration of

Substitute Senate bill No. 44.

"An act to require railway corporations when they fence their right of way, or where they have already fenced it, to leave or make certain crossings or openings therein, and to provide a penalty for the violation thereof," with the amendment of Senator Harrison pending.

SENATOR HARRISON

Withdrew his amendment.

SENATOR GREGG

Moved to amend by adding section 8, as follows:

Section 8. Nothing in this act shall be so construed as to affect the law requiring railroad companies to provide proper crossings at intersections of all roads and streets.

Adopted,

And the bill as amended was ordered engrossed.

On motion of Senator Woodward,  
Senate bill No. 166,

"An act to release the citizens of Calhoun county from the payment of taxes due the State of Texas for the year 1886," was taken up and read second time, with majority (unfavorable), and minority (favorable), committee reports.

SENATOR CLAIBORNE

Moved to substitute the minority for the majority report.

Senators Woodward, Burges, Gregg, Glasscock and Lane favored the adoption of the minority report, and Senators Bell, Armistead and Stinson opposed the minority report.

On motion of Senator Bell,  
The bill was laid on the table subject to call.

SENATOR FRANK

Sent up the following privileged reports.

SENATE CHAMBER,  
AUSTIN, March 3, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined Senate bill No. 54, entitled:

"An act to amend chapter 18, section 3, of an act entitled, 'An act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same, also to validate bonds heretofore issued for bridge purposes,' passed at the special session of the Eighteenth Legislature," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER,  
AUSTIN, March 3, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined Substitute House bill No. 52, entitled

"An act to provide for the separation of partition or adjoining fences, and to prescribe a penalty for a violation of the provisions of this act," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER,  
AUSTIN, March 3, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 147, entitled:

"An act to amend Article 62, chapter 2, title 7, of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, March 3, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—I am directed by the House to inform the Senate that the House refuses to concur in Senate amendments to

Senate bill No. 295, known as the

"Deficiency Appropriation Bill," asks for a conference committee, and that Messrs. Mills, Gresham and Bell of Denton, have been appointed as the committee upon the part of the House.

Also,

That Messrs. Page, Bell of Cooke and Tolbert have been relieved, at their own request, from the joint committee to visit the State institutions of learning at Bryan, Huntsville and Pairie View, and that Messrs. Baylor, Voorhees and Parker have been appointed to fill the vacancies thus created.

WILL LAMBERT, chief clerk,  
House of Representatives.

The special order being the consideration of the charges against District Judge Frank Willis,

SENATOR HARRISON

Called up the resolution introduced this morning on that subject.

SENATOR BURGESS

Moved to amend the resolution, as follows:

"Provided, that said committee be instructed to inquire first, whether or not said investigation has come before the Senate in such shape that the Senate can act upon it, and to report on this before proceeding further."

SENATOR BURGESS

Favored, and

SENATORS HARRISON AND GREGG

Opposed the amendment, and it was lost, and the resolution was adopted.

THE PRESIDENT

Appointed Senators McDonald, Simkins and Camp on the committee to investigate the charges against Judge Willis.

On motion of Senator Simkins,  
The regular special order for to-day,  
Senate bill No. 111.

A bill to be entitled:

"An act to amend Articles 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, and adding thereto Articles 3228a, 3228b, 3228c; also substituting Article 3239 and adding Article 3240, relating to the local option law."

And,

Senate bill No. 117.

A bill to be entitled:

"An act to amend Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236 and 3238, of title 63, of the Revised Civil Statutes of the State of Texas, and to add Article 3239a to said title," was taken up and read second time with favorable committee report, with amendments.

On motion of Senator Bell,

It was agreed to adopt Senate bill No. 117 to as the basis of consideration.

On motion of Senator Terrell,

It was agreed to consider the bill section by section.

SENATOR POPE

Entered a motion to reconsider the vote by which Senate bill No. 24 was on yesterday passed, and moved that the House be requested to return the bill to the Senate.

The motion to request the House to return the bill was adopted by the following vote:

YEAS—15.

Abercrombie,	Houston,
Allen,	Knittle,
Burgess,	Lane,
Burney,	MacManus,
Claiborne,	Pope,
Douglass of G,	Upshaw,
Field,	Woods.
Garrison,	

NAYS—12.

Armistead,	Harrison,
Bell,	McDonald,
Calhoun,	Simkins,
Camp,	Stinson,
Frank,	Terrell,
Glasscock,	Woodard.

PRESENT—Not voting.

Gregg,

Jarvis.

SENATOR GREGG,

Who would have voted yea, announced a pair with Senator Davis, who would have voted nay.

SENATOR JARVIS

Announced a pair with Senator Douglass of Jefferson. The former would have voted yea; the latter nay.

The consideration of

Senate bill No. 117, being resumed,

SENATOR SIMKINS

Offered the following amendment:

Amend Article 3227 by striking out words "upon the petition of at least 50 voters voting of said county or upon such petition by at least 20 qualified voters of any justice precinct town or city therein," and insert the following:

"Upon the petition of at least 1-3 in number of the qualified voters of said county voting at the last general election, or upon the petition of at least 1-3 in number of the qualified voters of any justice precinct, town or city in said county voting as aforesaid."

SENATOR ALLEN

Moved to amend the amendment as follows:

Substitute "one-fourth" instead of "one-third" in amendment.

SENATORS SIMKINS AND GREGG

Favored the first amendment.

SENATORS BELL AND CALHOUN

Opposed the amendments.

By leave,

SENATOR BURGESS,

Sent up a bill to be entitled:

"An act to authorize the Governor to make a contract in behalf of the State, with such counsel as he deems proper, to represent the State in pending suits away from the capital or in suits he may direct to be brought concerning lands in which the State has or may have an interest."

Referred to Committee on Public Lands.

SENATOR BELL,

By leave,

Sent up a bill to be entitled:

"An act to fix the venue in suits for the recovery of damages for libel."

Referred to Judiciary Committee No. 1.

The bill provides that suits for libel may be brought in the county where the plaintiff resides, or in the county where the defendant resides,

THE PRESIDENT

Referred House bills Nos. 158, 119, and substitute House bill No. 138, to Judiciary Committee No. 1; and

House bills Nos. 27, 166, 142, 169, and substitute House bills Nos. 143 and 116, to Judiciary Committee No. 2; and

House bill No. 377, to Committee on State Affairs.

On motion of Senator Woods,

The Senate adjourned till half past 3 o'clock this afternoon.

### AFTERNOON SESSION.

SENATOR MACMANUS

Sent up the following minority report on

Senate bill No. 298.

### MINORITY REPORT.

*Hon. T. B. Wheeler, President of the Senate:*

Sir—The undersigned, minority of your Committee on Finance, to whom was referred Senate bill No. 298, entitled:

"An act to equalize taxation in the State of Texas, and to provide means for the same," are unable to agree with the majority of the committee, who have reported the bill unfavorably, and respectfully assign the reasons governing them in thus dissenting, as follows:

Admitting the validity of the constitutional objection to making an appropriation, as provided in said bill, that fact does not absolve the State from its obligation to do exact and equal justice, to all its citizens, and to find an adequate remedy for any former legislation, by reason of which one portion of the citizens of any of its counties shall be compelled to bear the expense of the county, to the exclusion of another and unjustly favored, portion of the people, who enjoy all the advantages of the county administration without contributing one cent, in money or labor, towards paying its expenses or bearing its burdens.

The best argument in support of our views will be found in a brief statement of the facts leading to the formulation of the bill in question.

They are these: By an act passed March 10, 1875, as the compromise of an acknowledged existing indebtedness on its part, the State granted to the International and Great Northern railroad a large quantity of land, not in alternate sections but in one body, in each of the several counties in which the same were situated. By that act the land so granted was also exempted from taxation by State or county for twenty-five years. From this it results that by virtue of solemn acts of legislation on the part of the State the population of certain counties have been divided into two distinct classes: (1) those landholders who pay State

and county taxes, and (2) those who do not.

So far as the State taxes are concerned, no objection is urged. The State has a right to dispose of that which belongs to it.

But, from what source, in modern times, does any State derive the power to so arrange or dictate that one portion of its people shall build court houses and jails, make roads, build bridges, pay judges, clerks, sheriffs, constables and juries, and maintain a county organization for the joint equal benefits of another portion of the people, who are exempted from contributing to the support of these burdens?

Did the State rightfully possess the power to make such exemptions, to appropriate and devote the earnings of one class of its citizens, without their consent, to the use and benefits of another class? If not, a wrong, which is euphemistically declared to be a hardship, has been perpetrated, which demands a remedy. For centuries it has been the boast of wise, learned and benevolent jurists, that the common law affords a remedy for every wrong. Here is a palpable instance of a wrong for which, if the majority of your committee are right, there is no remedy. We hold that there is, and so holding, respectfully offer a substitute for the bill unfavorable reported.

MACMANUS.

We join in signing the above report in order to enable the author of the bill to offer substitute.

ABERCROMBIE,  
DOUGLASS.

SENATOR ABERCROMBIE

Moved to take up Senate bill 114.

A bill to be entitled:

"An act authorizing wills and testaments, and testamentary instruments of any character which have been probated in any other State or Territory of the United States to be recorded as muniments of title to real property in this State conveyed thereby."

Unanimous consent being given, the bill was taken up and read second time.

On motion of Senator Bell,

The committee amendment was adopted and the bill was ordered engrossed.

On motion of Senator Frank,  
Senate bill No. 281,

"An act to create a commission of arbitration, and award and define the powers and duties thereof, and to

make appropriations to pay the salaries of the judges thereof," was taken up by unanimous consent, and was read second time by sections.

SENATOR M'DONALD

Moved to amend section 1, by inserting the word "regular" before the word "session."

Adopted.

SENATOR LANE

Moved to amend by striking out section 4.

SENATORS GREGG AND TERRELL

Opposed the amendment.

SENATOR LANE

Favored it.

SENATOR SIMKINS

Offered to amend section 4 by adding in line 6, "unless otherwise ordered by the Supreme Court," and spoke in favor of his amendment.

SENATOR LANE

Withdrew his amendment.

SENATOR SIMKINS'

Amendment was adopted.

SENATOR GREGG

Offered the following amendment to section 5:

Add at the end, "Provided that when any case is sent by the Supreme Court to said Commission of Appeals, the counsel for both parties shall have notice thereof, and shall have the right to be heard upon the same as if said cause were tried by the Supreme Court; and said commission of appeals shall make rules regulating the hearing of causes submitted to them."

SENATOR GREGG

Explained his amendment, and  
It was adopted.

THE PRESIDENT

Announced that Senator Harrison was relieved, at his own request, from the committee to visit the educational institutions belonging to the State, and that he would appoint Senator Glasscock in his place.

## SENATOR FRANK

Offered the following amendment to section 6:

Strike out the words, "opinion shall be submitted," and insert as follows: "Report shall be submitted, consisting of a brief synopsis of the case and the points decided, with authority sustaining the same."

## SENATOR SIMKINS

Favored the amendment.

Senators Gregg, Bell and Glasscock opposed it.

## SENATOR FRANK

Withdrew his amendment, and offered the following:

Strike out the word "commissioners," in section 7, line 1, and insert the word "commission."

## SENATOR GLASSCOCK

Offered the following:

Amend the amendment by striking out section 7.

Withdrawn.

(Senator Woods in the chair.)

## SENATOR FRANK'S

Amendment was adopted.

## SENATOR TERRELL

Moved to reconsider the vote adopting Senator Frank's amendment.

## SENATOR GREGG

Opposed the motion, and the Senate refused to reconsider.

## SENATOR HARRISON

Moved the previous question. Motion seconded and Senate refused to order the main question.

## SENATOR FRANK

Moved to amend section 6 by striking out the word "commissioners," and inserting the word "commission."

## SENATOR CALHOUN

Opposed the amendment.

## SENATOR FRANK

Withdrew his amendment.

## SENATOR LANE

Offered to amend by adding the letters "ers" to the word "commission."

## SENATOR BELL

Offered the following substitute for Senator Lane's amendment:

Strike out the word "commissioners" where it occurs in the bill, and insert in lieu thereof the word "commission."

## SENATOR ARMISTEAD

Opposed the substitute and moved the previous question on amendments and bill.

Previous question seconded and main question ordered.

## SENATOR BELL'S

Substitute adopted and made part of the bill and the bill was ordered engrossed.

On motion of Senator Armistead, Senator Jarvis was excused for the day, on account of sickness.

On motion of Senator Bell, Rules were suspended and the bill placed on its third reading by the following vote:

YEAS—24.

Abercrombie,	Gregg,
Allen,	Houston,
Armistead,	Knittle,
Bell,	Lane
Calhoun,	McDonald,
Camp,	Pope,
Claiborne,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woods,
Glasscock,	Woodward.

NAYS—1.

Harrison.

ABSENT—3.

Burges,	MacManus.
Burney,	

Bill read third time and passed by the following vote:

YEAS—25.

Abercrombie,	Calhoun,
Allen,	Camp,
Armistead,	Claiborne,
Bell,	Douglass of G.
Burges,	Field,

Frank,	Pope,
Garrison,	Simkins,
Glasscock,	Stinson,
Gregg,	Terrell,
Houston,	Upshaw,
Knittle,	Woods,
Lane,	Woodward.
McDonald,	

NAYS—1.

Harrison.

ABSENT—2.

Burney, MacManus.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, March 3, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House bill No. 175.

"An act to amend Articles 1063 and 1064 of the Code of Criminal Procedure of the State of Texas, which articles relate to the compensation of jurors empaneled in felony cases in the district court."

House bill No. 155.

"An act to amend Article 677, of the Code of Criminal Procedure of the State of Texas"

Also,

That the House has adopted House Concurrent Resolution No. 14, Relative to the State University and Agricultural and Mechanical College, calling for the appointment of a joint committee, and that Messrs. McGaughey, Hudgins and Curry have been appointed as the committee upon the part of the House.

WILL LAMBERT,

Chief Clerk House Representatives.  
(The President in the chair.)

On motion of Senator Stinson,  
Senate bill No. 52.

"An act to provide for the separation or partition of adjoining fences and to prescribe a penalty for a violation of the provisions of this act," was taken up, read third time and passed.

On motion of Senator Field,  
Senate bill No. 140.

"An act to legalize and validate the ordinances of cities and towns, where said ordinances impose a fine for their violation and have not been published in the official journals, as required by law, and to give force and effect to the same," was taken up, read second time and ordered engrossed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, March 3, 1887. }  
Hon. T. B. Wheeler, President of the Senate:

Sir—I have the honor herewith to return as requested by the Senate,  
Senate bill No. 24.

"An act to define a certain part of the boundary of the State of Texas, and to authorize the institution and prosecution of a suit in the Supreme Court of the United States against the State of Kansas to establish the same, and to establish the jurisdiction of the State of Texas over certain territories therein described, and to appropriate money to meet the expenses attending such suit."

WILL LAMBERT,

Chief Clerk House of Representatives.

THE PRESIDENT.

Laid before the Senate the message from the House that the House had refused to concur in the Senate amendments to House bill No. 295, (the deficiency bill.)

On motion of Senator Armistead,

The Senate refused to recede from its amendments, and it was agreed that a conference committee be appointed.

THE PRESIDENT

Appointed Senators Armistead, Jarvis and Frank.

THE PRESIDENT

Referred House concurrent resolution No. 14 to Committee on Education, and,

House bills Nos. 155 and 175,

To Judiciary Committee No. 2.

On motion of Senator Armistead,  
Senate bill No. 251.

"An act to require occupation tax receipts to be posted by persons, firms or corporations upon whom an occupation tax is levied in their places of business, and to punish violations of the same," was taken up and read second time.

SENATOR LANE

Moved to amend by striking out the word "day," in line 5, section 2, and inserting in lieu thereof the words "thirty days."

SENATORS LANE AND STINSON

Spoke in favor of, and



## SENATOR HARRISON

Spoke in opposition to the amendment, and it was lost.

## SENATOR CALHOUN

Moved to strike out the words, "occupation tax receipts," where it occurs in first line of caption, and insert in lieu thereof the words, "occupation license."

## SENATOR CALHOUN

Explained the amendment, and it was adopted.

## SENATOR CALHOUN

Moved to strike out the words, "the tax collector's receipt," in section 1, lines 4 and 5, and insert in lieu thereof the words, "his occupation license."

Adopted.

## SENATOR CALHOUN

Moved to strike out the words "occupation tax receipt," in line 6, section 1, and insert in lieu thereof the words "occupation license."

Adopted.

## SENATOR POPE

Moved to amend by adding:

Section 3. No person or firm shall be liable to prosecution under this law who has had the license duly posted as herein required, and the same has, without any fault of said person or firm, been misplaced.

## SENATOR POPE

Spoke in favor of, and

## SENATOR HARRISON

In opposition to the amendment and it was adopted by the following vote:

YEAS—15.

Abercrombie,	Lane,
Armistead,	McDonald,
Burges,	MacManus,
Calhoun,	Pope,
Camp,	Stinson,
Glasscock,	Upshaw,
Gregg,	Woodward.
Knittle,	

NAYS—12.

Allen,	Garrison,
Bell,	Harrison,
Burney,	Houston,
Claiborne,	Simkins,
Douglass of G.	Terrell,
Frank,	Woods.

## ABSENT—1.

Field.

## SENATOR CALHOUN

Moved to amend line 2, section 2, insert in lieu of the word "tax" the word "license."

Adopted.

## SENATOR SIMKINS

Moved to amend by adding as follows:

"Section 4. Any person violating the provisions of this act may be arrested without warrant by any peace officer and carried before the nearest justice of the peace for trial; and any peace officer who shall fail or refuse to arrest such person on his own knowledge, or upon information from some credible person shall be punished by fine not exceeding 500 dollars.

## SENATOR SIMKINS

Explained his amendment and it was adopted.

## SENATOR HOUSTON

Moved to

Amend by striking out the enacting clause.

SENATORS POPE, HARRISON, GLASSCOCK AND GREGG

Opposed the motion, and

## SENATOR HOUSTON

Spoke in favor of it.

The motion was lost by the following vote:

YEAS—4.

Camp,	Houston,
Garrison,	Stinson.

NAYS—23

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Knittle,
Bell,	Lane,
Burges,	McDonald.
Burney,	Pope,
Calhoun,	Simkins,
Claiborne,	Terrell,
Douglass of G,	Upshaw,
Field,	Woods,
Frank,	Woodward.
Glasscock,	

ABSENT—1.

MacManus.

## SENATOR M'DONALD

Moved to reconsider the vote by which the amendment of Senator Pope was adopted.

Senators Terrell, Harrison, Burney and Calhoun, spoke in favor of the reconsideration, and

Senators Pope, Glasscock and Gregg opposed it.

The motion to reconsider was adopted by the following vote:

## YEAS—16.

Allen,	Frank,
Armistead,	Garrison,
Bell,	Harrison,
Burney,	Houston,
Calhoun,	McDonald,
Claiborne,	Simkins,
Douglass of G,	Terrell,
Field,	Woods.

## NAYS—11.

Abercrombie,	Lane,
Burges,	Pope,
Camp,	Stinson,
Glasscock,	Upshaw,
Gregg,	Woodward.
Knittle,	

## . ABSENT—1.

MacManus.

## SENATOR POPE

Moved to adjourn till 10 o'clock to-morrow morning.

Lost.

## SENATOR TERRELL

Offered the following substitute for the amendment:

Section 3. If from any cause any certificate of occupation license shall be lost or destroyed, it shall be the duty of the clerk, upon application of the person, firm or corporation, who formerly had such license, to furnish a new certificate for the remainder of the term covered by the license lost or destroyed.

On motion of Senator Armistead.

The Senate adjourned till 10 o'clock to-morrow morning.

## FORTY-SIXTH DAY.

SENATE CHAMBER. }  
AUSTIN, March 4, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain Dr. Smoot.

On motion of Senator Woodward,

The reading of the Journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

## BY SENATOR CLAIBORNE:

Petition of citizens of Galveston county against the organization and creation of the new county of Calder.

Referred to Committee on Counties and County Boundaries.

## BY SENATOR UPSHAW:

Petitions of members of fire departments of Fort Worth, Caldwell, Waxahachie, Brenham, Terrell, Victoria, La Grange, Marshall, Brownwood, Sulphur Springs, Sherman, Mexia, Calvert, Georgetown, Lampasas, Palestine, Gatesville, Cleburne, Paris, San Marcos, Abilene, El Paso, Huntsville, Beaumont, San Angelos and other Texas towns and cities, asking the passage of a law relieving active members of fire companies from jury and road services, etc.

Referred to Judiciary Committee No. 1.

## REPORTS OF STANDING COMMITTEES.

## BY SENATOR FRANK:

SENATE CHAMBER. }

AUSTIN, March 4, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined Senate bill No. 219, entitled:

"An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the common schools, the university and the several asylums, and the lease of such lands and of the public lands of the State; and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER, }

AUSTIN, March 4, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed